



**A SPECIAL MEETING  
OF THE WESLACO CITY COMMISSION  
April 20, 2012**

On this 20th day of April at 12:00 noon, the City Commission of the City of Weslaco, Texas convened in Special Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Olga M. Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: David Salinas, Public Utilities Director; Jorge Gonzales, Planning & Zoning/Code Enforcement Director and other staff members and citizens.

**I. CALL TO ORDER**

- A. Certification of Public Notice.  
Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Tuesday, April 17, 2012.
- B. Pledge of Allegiance.  
Mayor Wise recited the Pledge of Allegiance.
- C. Roll Call.  
Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Garza.

**II. NEW BUSINESS**

- A. Discussion and consideration on behalf of E.M. and James A. Payne to approve the Final Plat with variances as recommended by the Planning & Zoning Commission of Freedom Park Subdivision, being a 36.23 acre tract of land, Lot 2, Freedom Park Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department; There was no action on this item April 3.) Attachment.

The City Manager stated that the Planning and Zoning Commission recommends the Final Plat with two variances, one as a waiver from the drain access and the other as a waiver from the detention requirement. He added that staff opposes the variances, as the same has been upheld for other major developments, including

HEB and Lowes, to prevent flooding.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item without variances.

The City Attorney assured Commissioner Noriega that though it is not the City's drain, rather belonging to Hidalgo County Irrigation District #9, the City by interlocal agreement has the authority to enforce right-of-ways and easements to it. Commissioner Rivera expressed concern about existing flooding issues in that neighborhood; Commissioner Tafolla remarked that each must do his share to minimize flooding impact. Similarly, the Mayor Pro-Tem commented that his concern is not about daily flooding, but about enforcement of the long-term plan and the precedent for development.

Mr. Munoz, engineer-of-record representing Payne, stated that they support the policy, but request this variance to put the detention across the street where it doesn't impact the value of the development, proposing to participate in the cost of expanding the drain behind the property. Mr. Rivera, also speaking on behalf of the development, added that the Irrigation District stated that the ditch was a relic from 1920s farmland and abandoned it Tuesday, so the ownership reverts back to Payne. The Mayor observed that renders the second variance request moot. The City Attorney stated that the Commission may approve the plat without the variance and direct the developer to modify the plat accordingly; the Final Plat would not need to return to the Planning and Zoning Commission.

The City Manager stated that for this 36-acre development, the detention footprint would be about one acre one foot deep; it is the intent of the policy to detain water before it enters the drainage system and not to piggy-back off public infrastructure for the benefit of a single developer. Mr. Bud Payne stated he would not request the variance unless the property was immediately adjacent to the drain, as it is not his intent to expose his own hometown and business to increased flood risk.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item without the variance on detention and noted for the record the variance on the easement as void. The motion carried with Commissioner Noriega opposed and Commissioner Martinez abstained (3-1); Mayor Wise was present, but not voting.

- B. Discussion and consideration on behalf of Tomas Rangel to approve the Final Plat with variances as recommended by the Planning & Zoning Commission of Rangel No. 2 Subdivision, being the North 5.0 acres of Farm Tract 24, in the West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department; There was no action on this item April 3.) Attachment.

The City Manager described this property as situated west of the USDA facility; he noted that the Planning and Zoning Commission recommends approval with the variance, however staff recommends without the variance as a continuation of the detention policy.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve item without the variance. The motion carried with Commissioner Martinez abstained; Mayor Wise was present, but not voting.

**III. PUBLIC COMMENTS**

There were no public comments.

**IV. EXECUTIVE SESSION**

**V. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

The Commission did not convene in Executive Session; subsequently there was no action.

**VI. ADJOURNMENT**

With no other business before the Commission, at 1:00 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the April 20, 2012 special meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

**CITY OF WESLACO**

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**MAYOR**, Miguel D. Wise

**ATTEST:**

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**CITY SECRETARY**, Elizabeth M. Walker

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**MAYOR PRO-TEM**, J.F. “Johnny” Cuellar

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(absent)  
**COMMISSIONER**, Robert J. Garza

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**COMMISSIONER**, Olga M. Noriega

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**COMMISSIONER**, Gerardo “Jerry” Tafolla

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Joe A. Martinez